



City Council Agenda Item

City Council Meeting Date: April 20, 2021

TO: Jim Throop, City Manager

FROM: Dena Paschke, Battalion Chief – Fire Marshal
d_paschke@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6395(21) Approving a Declaration of Nuisance and Abatement Order for Weeds and Debris

Recommendation:

Staff recommends the City Council adopt Resolution No. 6395(21) (Attachment 1), declaring certain parcels of property as public nuisances by virtue of weed growth or by the accumulation of rubbish, refuse and dirt, pursuant to Government Code Sections 39560-39588.

Background/Discussion:

In accordance with the Fire Department's annual weed abatement program, the Fire Department has inspected each of the properties identified on Exhibit A to Resolution No. 6395(21) (Attachment 1) and found there is potential for growth of weeds which, when dried, will constitute a fire hazard or other noxious and dangerous conditions. Further, it has been found some or all of those lots have an accumulation of rubbish, debris and dirt, creating a fire hazard or dangerous condition, or the weed abatement will result in debris.

The weeds and grass growth are considered light and flashy fuels, which are the first fuels to dry out and cause an increased risk of fire within the City. These light and flashy fuels are also the most vulnerable to ignition sources. Fire brands, which are tiny pieces of brush or trees actively burning, travel over a mile ahead of a fire and can ignite islands of fuel within the City's limits. The threat to the City from wildfire has been demonstrated for the last few years. This trend is something we cannot eliminate, but we can take appropriate mitigating efforts now to maximize our resiliency to remain operable should a wildfire threaten the City this year. We have also seen the devastating effects of wildfire on other communities such as the Town of Paradise. Unfortunately, that is only one of the now many tragedies that have occurred in California over the last few years. Weed abatement is a proactive effort that is consistent with reducing the risk from wildfire as a mitigation effort, since we know elimination of all wildfires is not possible.

To proceed with the abatement of the weed conditions, the City Council must determine hazardous or dangerous conditions exist, and set a public hearing to hear objections to the proposed weed removal. The City Council is being requested to set that public hearing for the May 18, 2021, City Council meeting. If, at that meeting, the City Council determines nuisance conditions exist, then the City Council could order abatement of the nuisance conditions by removal of the weeds by the property owners, and failing that, by the City, with the cost of administrative code enforcement and weed removal assessed against the properties as a lien upon them until paid.

Adoption of Resolution No. XXXX(21) will also address the re-growth of weeds for the remainder of the calendar year. The Fire Chief has determined weeds are seasonal and recurrent nuisances. The Fire Chief's findings are in accordance with Government Code Section 39562.1, which will allow subsequent abatements by the City to be conducted within the same calendar year, with no further public hearing, as long as post card notices are sent to the subject property owners. (See Attachment 2 for an example of the letter being sent to property owners with excess weeds.)

Fiscal Impact:

Government Code Section 39573 permits the City Council to order a special assessment and lien, pursuant to Government Code Section 39577, after an order to abate nuisance conditions has been issued by the City Council and not followed. It will only apply to those parcels that have an abatement order issued by the City Council, but will apply whether the parcel is subsequently cleared by the property owner or by the City, after the order to abate has been issued. After the assessment is made and confirmed, the City Council will be requested to confirm a lien to attach on each parcel for the assessment amount. As the County of Santa Barbara (County) has adopted the "Teeter Plan" for distribution of property taxes and assessments and the City participates in the "Teeter Plan" of the County, the City will receive the full lien amount of the assessment during the next annual property tax distribution cycle following the imposition of the lien. Per the "Teeter Plan", Santa Barbara County pays the taxes and assessments due to the City whether or not they are collected. In exchange, the County keeps the penalties and interest on the taxes and assessments when they are eventually collected.

At least five days prior to the public hearing, a notice to abate weeds/debris will be sent to all owners of subject parcels, informing them of the public hearing date, administrative charges and abatement procedures. Parcels cleared by the owner following notice, but prior to the City Council's abatement order, will not be subject to a special assessment and lien or the administrative fee. Parcels cleared by the owner following the abatement order, will be subject to the administrative fee. Parcels cleared by the City following the order will be subject to both an administrative fee, plus the out-of-pocket costs of clearing the property. The Fire Department will contract with a landscaping company to do the weed removal.

The costs to administer the annual weed abatement program, including the cost of investigation of properties subject to the program, and the costs of notification to property

owners of their obligation to abate the nuisance, are a General Fund obligation. The General Fund may be reimbursed at a later date if a special assessment and lien are assessed against a particular property or the property owner reimburses the City for all abatement costs.

Costs related to the annual weed abatement program that are not ultimately charged to the property owner as a lien are budgeted for, and paid from, the Fire Prevention program, a General Fund division. The administrative fee assessed to parcel owners who ultimately have an abatement order processed recovers the estimated cost of implementing the annual weed abatement program. The direct costs associated with the implementation of the Fire Department's annual weed abatement program are budgeted in the General Fund in the Fire Prevention program, a program of the Fire Department.

Conclusion:

Adoption of Resolution No. 6395(21) is consistent with the Lompoc Fire Department's commitment to community risk reduction and the elimination of hazardous conditions.

Respectfully submitted,

Dena Paschke, Battalion Chief – Fire Marshal

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Brian Federmann, Interim Fire Chief

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachments: 1) Resolution No. 6395(21)
2) Example of Letter to Property Owner